

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

In re: HIPES, DAVID V.,
HIPES, KIMBERLY W.

Case No. 11-50925
Chapter 13

Debtors.

MOTION TO CONVERT TO CHAPTER 7

David V. Hipes and Kimberly W. Hipes, by counsel, move the Court to convert this chapter 13 bankruptcy to a chapter 7 bankruptcy, and, in support thereof, states as follows:

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. § 15 §1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper before this Court pursuant to 28 U.S.C. § 1408 and 1409.
2. Debtors filed a joint chapter 13 petition on June 28, 2011.
3. The Debtors' case has not previously been dismissed or converted.
4. As of November 1, 2012, Kimberly W. Hipes has been forced to retire due to the closing of the school in which she works and the fact that will have served 30 years which is enough to collect her retirement pension. Her income, as of November 1, 2012, will significantly decrease, and the debtors will be unable to make the payments into the Chapter 13 plan.
5. Section 1307 provides that a debtor may convert a case under this chapter to one under chapter 7 at any time.

WHEREFORE, Debtors ask this Court to sever the existing chapter 13, and request an order granting the relief requested in this motion to convert this case to a chapter 7.

Respectfully submitted,

HIPES, DAVID V.
HIPES, KIMBERLY W

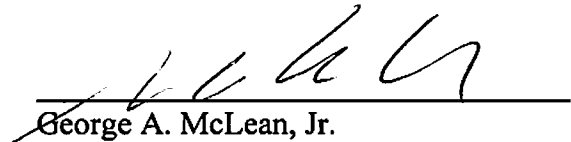
By: 

Of Counsel

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(540) 982-8430
Counsel for Debtors

CERTIFICATE OF SERVICE

I hereby certify that I have mail a true and accurate copy of the foregoing Motion to Convert to Chapter 7 to the following: Christopher Micale, Chapter 13 Trustee, P.O. Box 1001, Roanoke, Virginia 24005, and the U.S. Trustee's Office, First Campbell Square Building, 210 First Street, Suite 505, Roanoke, Virginia 24011 this 2nd day of Nov., 2012.


George A. McLean, Jr.